

Message Text

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ACTION ARA-14

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C O N F I D E N T I A L SANTIAGO 2181

AE. O. 11652: GDS

TAGS: SHUM, CI

SUBJECT: THE RETURN OF JAIME CASTILLO AND OTHER TRAVELS

1. SUMMARY: CHRISTIAN DEMOCRATS TOLD THE AMBASSADOR OF JAIME CASTILLO'S PLANS TO RETURN TO CHILE AS A TEST OF THE GOC'S EMERGENCY POWERS. THEY ALSO SPOKE OF PILGRIMAGE OF FIVE RELATIVES OF DISAPPEARED PERSONS THROUGH EUROPE AND CONFIRMED A REPORT THAT THE GOC TOLD A FOREIGN VISITOR OF PRISONER RELEASES IN THE NEAR FUTURE. END SUMMARY.

2. CHIRSTIAN DEMOCRATIC LEADER ANDRES ZALDIVAR AND JUAN HAMILTON INVITED THE AMBASSADOR AND EMBOFF TO DINNER MARCH 23. THE PRIMARY PURPOSE OF THE MEETING WAS TO INFORM US THE PDC IDEOLOGUE JAIME CASTILLO PALNNED AN UNANNOUNCED RETURN TO CHILE SOON. ACCORDING TO THE PAIR, CASTILLO (WHO TOGEHTER WITH SOCIAL DEMOCRATE HUMAN RIGHTS ACTIVITIST EUGENIO VELASCO HAD BEEN UNCEREMONIOUSLY PLACED ON A PLANE IN AUGUST 1976) HAD PLANNED TO ARRIVE AT SANTIAGO ON A BOLIVIAN FLIGHT MARCH 21. THE BREAK IN DIPLOMATIC RELATIONS CAUSED HIM TO CANCEL, BUT HE WOULD TRY AGAIN. CASTILLO IS BASED IN CARACAS.

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3. THE CHRISTIAN DEMOCRATS HAVE ASSEMBLED A TASK FORCE OF SIX LAWYERS TO DEFEND CASTILLO. VWHEN HE IS A FEW HOURS OUT OF SANTIAGO, THE TEAM WILL APPROACH PRESIDENT OF THE SUPREME COURT EYZAGUIRRE WITH A HABEAS CORPUS PETITION ON CASTILLO'S BEHALF (ESSENTIALLY A RESTRAINING ORDER AGAINST AUTOMATIC RE-EXPULSION UNTIL STUDIED BY THE COURT). BASED UPON PREVIOUS CONVERSATIONS WITH EYZAGUIRRE ON THE GENERAL SUBJECT OF EMERGENCY

POWERS, THE LAWYERS BELIEVE EYZAGUIRRE SUPPORTS THEIR CONTENTION THAT EXPULSIONS DECREED UNDER STATE OF SIEGE AUTHORITY MUST BE SPECIFICALLY RE-ASSERTED UNDER THE CURRENT STATE OF EMERGENCY. THUS, UNDER DECREE LAW 81, THE GOC COULD RE-EXPEL CASTILLO BY ISSUING A NEW DECREE. BUT THE DECREE WOULD HAVE TO SHOW CAUSE AS TO WHY CASTILLO'S PRESENCE THREATENED THE NATIONAL SECURITY. CHRISTIAN DEMOCRATS THINK THE GOC IS TOO HARRIED TO RISK THE ADVERSE REACTION OF THROWING CASTILLO OUT AGAIN. SHOULD IT DO SO, THE PDC WILL GAIN BY DEMONSTRATING THAT THERE IS LITTLE DIFFERENCE BETWEEN THE TWO EMERGENCY CONDITIONS.

4. THE PDC LEADERS KNEW OF, BUT APPEARED NOT DIRECTLY INVOLVED WITH, THE CURRENT TRAVELS THROUGHOUT EUROPE OF FIVE RELATIVES OF THE DISAPPEARED. A FOLLOW-UP, ON TO THE SUCCESSFUL TRIP OF THE THREE WOMEN TO NORTH AMERICA LAST FALL, THIS GROUP IS KNOWN TO HAVE BEGUN THEIR TRIP IN GENEVA AND TO HAVE ALREADY HIT SWEDEN AND NORWAY. THERE HAS BEEN NO MENTION OF THEIR TRIP IN THE CHILEAN PRESS. THE GROUP IS APPARENTLY BEING FINANCED BY THE SOCIALIST INTERNATIONAL.

5. THE CHRISTIAN DEMOCRATIC PAIR ALSO FILLED OUT THE BRIEF RESUME OF SPANISH SUB-MINISTER OF FOREIGN AFFAIRS MIGUEL SOLANO'S RECENT TRIP TO SANTIAGO GIVEN THE AMBASSADOR BY HIS SPANISH COUNTERPART. ACCORDING TO THE PDCERS, A PRINCIPAL TASK WAS TO INTERCEDE ON BEHALF OF CARLOS LAZO, ONE OF THE FEW REMAINING AIR FORCE TRIAL PRISONERS WHOSE RELEASE HAD BEEN THOUGHT VIRTUALLY CONFIDENTIAL

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AUTOMATIC AFTER THE FREEING OF ERIC SCHNAKE IN DECEMBER 1977. GOC OFFICIALS REPORTEDLY TOLD SOLANO THAT THE GOVERNMENT WOULD BE RELEASING INTO EXILE THE 80-90 "HARD CORE" CASES, A MASS RELEASE LONG URGED BY ICEM WITH OUR ENDORSEMENT. IN ADDITION, THE SPANISH REPRESENTATIVE ALSO THOUGHT THE GOC WAS CONSIDERING AUTHORIZATION FOR A NUMBER OF EXPELLEES TO RETURN UNCONDITIONALLY. THE PDCERS, HOWEVER, UNDERSTOOD THAT PRESIDENT PINOCHET OPPOSED LIFTING SANCTIONS AGAINST THE EXPELLEES.

6. COMMENT: THE PROPOSED CASTILLO RETURN CAN HARDLY CATCH THE GOC UNPREPARED. WE HAD GOTTEN WIND OF IT WEEKS AGO; THE PDC SAYS IT HAS NOW BRIEFED MOST OF THE WESTERN EUROPEAN AMBASSADORS AS WELL. CASTILLO DEEPLY WISHES TO RETURN TO CHILE; HIS LEGAL ARGUMENTS ADVANCED FROM CARACAS HAVE BEEN DISMISSED BY CHILEAN COURTS. SHOULD HE GET AS FAR AS PUDAHUEL AIRPORT, THE GOC WILL HAVE ANOTHER STICKY PROBLEM ON ITS HANDS.

7. RUMORS ABOUT THE IMPENDING PRISONER RELEASE CONTINUE TO CIRCULATE. OUR HOPES HAVE BEEN FANNED IN THE PAST. BUT WHILE A NUMBER OF DIFFICULT CASES HAVE RECEIVED COMMUTATIONS PIECEMEAL, NOT SINCE NOVEMBER 1976 HAS THE GOC SOUGHT THE HEADLINES IT WOULD DERIVE FROM A LARGE-SCALE RELEASE.

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